

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION

JEREMY IRONS

PLAINTIFF

V.

CIVIL ACTION NO.2:07CV184-NBB-JAD

COAHOMA COUNTY
SHERIFF DEPARTMENT, ET AL.

DEFENDANTS

REPORT AND RECOMMENDATION

The Clarksdale Police Department has filed for summary judgment (Doc. 36). Its employee Ulyda Johnson has filed a motion to dismiss (Doc. 37). The plaintiff has filed no response to either motion.

The plaintiff's complaint mentions neither of these two parties other than in the list of defendants. His prior claims against his attorney and his claim in the nature of habeas have previously been dismissed. Plaintiff's only remaining claim relates to an alleged lack of medical care by the Coahoma County Sheriff's Department. Plaintiff's entire complaint on this subject is as follows: "I Jeremy Irons were evaluated for Mental Health at the Mental Health Center in Clarksdale, MS, with Dr. McGee. Dr. McGee requested me to return to his office for a follow-up and Cohoma County Sheriff's Department never took me. I've had two suicide attempt since then." Because there is a complete absence of allegations against theses defendants regarding any lack of medical treatment, these parties are each entitled to be dismissed for failure to state a claim.

The Clarksdale Police Department is entitled to summary judgment. The undisputed facts in the record show that the plaintiff was a city prisoner for five days between his arrest and his being bound over to await grand jury action. Even if there were a missed followup appointment during his brief tenure with the Clarksdale Police Department, this does not arise to the level of a constitutional violation.

The undersigned recommends that the complaint be dismissed against Ulyda Johnson for failure to state a claim. The undersigned recommends that the defendant City of Clarksdale Police Department's motion for summary judgment be granted and the complaint dismissed with prejudice as to this defendant.

The parties are referred to 28 U.S.C. 636(b)(1) and Local Rule 72.1(C) for the appropriate procedure in the event any party desires to file objections to these findings and recommendations. Objections are required to be in writing and must be filed within ten days of this date. Failure to file written objections to the proposed finding and recommendations contained in this report within ten days from the date of filing will bar an aggrieved party from challenging on appeal both the proposed factual findings and the proposed legal conclusions accepted by the district court *Douglass v. United Services Automobile Association*, 79 F.3d 1415 (5th Cir. 1996).

Plaintiff is directed to acknowledge receipt of this report and recommendation by signing the enclosed acknowledgment form and returning it to the court within ten days of this date. Plaintiff is warned that failure to comply with the requirements of this paragraph may lead to the dismissal of this lawsuit under F.R.Civ.P. 41(b) for failure to prosecute and for failure to comply with an order of the court.

This the 12th day of August, 2008.

/s/ JERRY A. DAVIS
UNITED STATES MAGISTRATE JUDGE